

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
 Washington, D.C. 20554

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In the Matter of

Relocation of the 216-220 MHz  
 1390-1395 MHz, 1427-1429 MHz  
 1429-1432 MHz, 1432-1435 MHz  
 1670-1675 MHz, and 2385-2390 MHz  
 Government Transfer Bands

)

)

) WT Docket No. ~~02-08~~

) RM-9267

) RM-9692

) RM-9797

) RM-9854

) RM-9882

*02-81*  
 FEDERAL COMMUNICATIONS COMMISSION  
 OFFICE OF THE SECRETARY

**Comments of the Industrial Telecommunications Association, Inc.**

The Industrial Telecommunications Association, Inc. (ITA) hereby respectfully submits its comments in response to the Federal Communications Commission's *Notice of Proposed Rule Making* (Service Rules NPRM) in the above-referenced matter.<sup>1</sup> ITA applauds the Commission's decision to reallocate 6 MHz of spectrum from government to fixed and mobile uses in the 1392-1395 MHz and 1432-1435 MHz bands.<sup>2</sup> As discussed in more detail below, ITA recommends that the Commission limit acquisition of this spectrum to band managers, similar to the rules governing the 700 MHz guard band.

<sup>1</sup> See Reallocation of the 216-220, 1390-1395 MHz, 1427-1429 MHz, 1429-1432 MHz, 1432-1435 MHz, 1670-1675 MHz, and 2385-2390 MHz Government Transfer Bands, *Notice of Proposed Rule Making*, WT Docket No. 02-08 (rel. Feb. 6, 2002) (Service Rules NPRM).

<sup>2</sup> See Reallocation of the 216-220, 1390-1395 MHz, 1427-1429 MHz, 1429-1432 MHz, 1432-1435 MHz, 1670-1675 MHz, and 2385-2390 MHz Government Transfer Bands; Amendments of Parts 2 and 95 of the Commission's Rules to Create a Wireless Medical Telemetry Service; and Amendments to Part 90 of the Commission's Rules Concerning Private Land Mobile Radio Services, *Report and Order and Memorandum Opinion and Order*, ET Docket No. 00-221, ET Dock No. 99-255, PR Docket No. 92-235, WT Docket No. 97-153 (rel. Jan. 2, 2002) (Reallocation Order) at ¶ 49.

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## **I. Statement of Interest**

ITA is a Commission-certified frequency advisory committee coordinating in excess of 6,000 applications per year on behalf of applicants seeking Commission authority to operate business and industrial/land transportation radio stations on frequency assignments allocated between 30-900 MHz.

ITA enjoys the support of a membership including more than 3,500 licensed two-way land mobile radio communications users, private mobile radio service (PMRS) oriented radio dealer organizations, and the following trade associations:

- Alliance of Motion Picture and Television Producers
- Aeronautical Radio, Inc.
- Associated Builders & Contractors, Inc.
- Florida Citrus Processors Association
- Florida Fruit & Vegetable Association
- National Mining Congress
- National Propane Gas Association
- National Ready-Mixed Concrete Association
- National Utility Contractors Association
- New England Fuel Institute
- United States Telephone Association

In addition, ITA is affiliated with the following independent market councils: the Council of Independent Communication Suppliers (CICS), the Taxicab & Livery Communications Council (TLCC), the Telephone Maintenance Frequency Advisory Committee (TELFAC), and USMSS, Inc.

## **II. Background**

On November 22, 1999, the Commission issued a *Policy Statement* outlining a spectrum management plan for efficient spectrum usage and the development of a competitive

communications marketplace.<sup>3</sup> In its *Policy Statement*, the Commission suggested that the creation of a land mobile communications service (LMCS) will “relieve congestion in the existing private land mobile radio bands and . . . provide opportunities for use of new spectrum efficient technologies that would improve and enhance business radio communications.”<sup>4</sup>

On November 20, 2000, the Commission released a *Notice of Proposed Rule Making* (27 MHz NPRM), addressing many issues presented in the *Policy Statement*.<sup>5</sup> In particular, the 27 MHz NPRM sought comment on the allocation of spectrum at 1.4 GHz<sup>6</sup> in a manner that is “consistent with the spectrum management principles” set forth in the *Policy Statement*,<sup>7</sup> including the creation of a new LMCS at 1.4 GHz.<sup>8</sup> In response to the 27 MHz NPRM, ITA filed comments recommending that the Commission pair 6 MHz of spectrum in the 1392-1395 MHz and 1432-1435 MHz bands and “employ a band manager licensing framework for these paired frequencies.”<sup>9</sup>

On January 2, 2002, the Commission released a *Report and Order and Memorandum Opinion and Order* (Reallocation Order) pairing the 1392-1395 MHz band with the 1432-1435

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<sup>3</sup> See Principles for Reallocation of Spectrum to Encourage the Development of Telecommunications Technologies for the New Millennium, *Policy Statement*, 14 FCC Rcd 19868 (rel. Nov. 22, 1999) (Policy Statement).

<sup>4</sup> *Id.* at ¶ 24 (Quoting the Land Mobile Communications Council (LMCC), An Allocation of Spectrum for the Private Mobile Radio Services, *Petition for Rulemaking*, RM-9267 (filed April 22, 1998) (Petition for Rulemaking)).

<sup>5</sup> See Reallocation of the 216-220, 1390-1395 MHz, 1427-1429 MHz, 1429-1432 MHz, 1432-1435 MHz, 1670-1675 MHz, and 2385-2390 MHz Government Transfer Bands, *Notice of Proposed Rule Making*, ET Docket No. 00-221 (rel. Nov. 20, 2000) (27 MHz NPRM).

<sup>6</sup> The spectrum at 1.4 GHz is collectively comprised of the following frequency bands: 1390-1395 MHz, 1427-1429 MHz, 1429-1432 MHz, and 1432-1435 MHz.

<sup>7</sup> See 27 MHz NPRM at ¶¶ 19, 30.

<sup>8</sup> *Id.* at ¶ 31.

<sup>9</sup> See Comments of the Industrial Telecommunications Association, Inc. at ¶ 1.

MHz band for fixed and mobile uses.<sup>10</sup> The instant proceeding is seeking comment on the licensing, technical and operational rules necessary for potential licensees in the bands reallocated from government to non-government uses in the Reallocation Order.<sup>11</sup>

### **III. Discussion**

ITA urges the Commission to limit acquisition of the paired 1392-1395/1432-1435 MHz bands to band managers who could optimize the use of available spectrum by protecting government and military incumbents while also providing flexibility for potential licensees within this spectrum.

Incumbent services in the 1392-1395 MHz band include, seventeen military radar sites that require protection until 2009, as well as military test range telemetry links, long-range air defense radars, tactical radio relays, and radio astronomy.<sup>12</sup> The 1432-1435 MHz band is currently used for Government fixed and mobile service, including, "tactical radio relay communications, military test range aeronautical telemetry and telecommand, and various types of guided weapons systems"<sup>13</sup> Military airborne operations in this band will require protection indefinitely at 23 sites.<sup>14</sup>

To protect incumbent government operations, the Commission should adopt a band manager framework for licensing of the paired 1392-1395/1432-1435 MHz band. As the

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<sup>10</sup> Reallocation Order.

<sup>11</sup> Service Rules NPRM at ¶ 2.

<sup>12</sup> Service Rules NPRM at ¶ 37.

<sup>13</sup> Service Rules NPRM at ¶ 40.

<sup>14</sup> Service Rules NPRM at ¶ 40.

Commission already has recognized in the context of its 700 MHz proceeding, a band manager framework can produce substantial benefits, including increased flexibility of spectrum use.<sup>15</sup>

The flexibility of a band manager can best be illustrated when used in context of the guard band managers at 700 MHz. As the Commission explained, “Guard Band Managers were seen as a way to manage and minimize the potential for harmful interference to public safety operations in adjacent spectrum, while enabling parties to acquire spectrum more readily and with a minimum of Commission involvement.”<sup>16</sup> Similarly, band managers can mediate and eliminate the potential for interference to government operations that require continued protection at 1.4 GHz.

Additionally, as the Commission noted in the context of the 700 MHz proceeding, “a Guard Band Manager licensee will have more flexibility to ‘tailor’ the use of the spectrum . . . in a manner that maximizes efficiency for the benefit of those able to make use of this spectrum under the designated technical restrictions.”<sup>17</sup> As a spectrum management organization or spectrum broker, a band manager could “make spectrum available to third party users without the need for prior Commission approval, while retaining primary responsibility for compliance with the Commission’s rules.”<sup>18</sup> Given the incumbent protection issues present in both this proceeding and the 700 MHz proceeding, employment of a band manager framework in both instances is sensible. ITA believes that a band manager approach will offer the same flexibility and efficient spectrum use at 1.4 GHz as the guard band manager approach provides at 700 MHz.

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<sup>15</sup> See Service Rules for the 746-764 and 776-794 MHz Bands, and Revisions to Part 27 of the Commission’s Rules, *Second Report and Order*, 15 FCC Rcd 5299 at ¶¶ 26-32 (rel. Mar. 9, 2000) (700 MHz Second R&O).

<sup>16</sup> See *Id.* at ¶ 90; see also 700 MHz Second R&O at ¶ 26.

<sup>17</sup> See 700 MHz Second R&O at ¶ 29.

Moreover, a band manager framework promotes flexibility by relieving the Commission of burdensome spectrum management obligations while making spectrum readily accessible to potential end users in amounts that suit their individual needs. ITA, therefore, submits that a band manager licensing mechanism for the 1392-1395/1432-1435 MHz band will relieve congestion in existing land mobile frequencies (as described in the Commission's Policy Statement) and optimize the use of available spectrum, while protecting the critical operations of incumbents in these bands.

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<sup>18</sup> See Secondary Markets NPRM at ¶ 22.

#### **IV. Conclusion**

ITA applauds the Commission's decision to allocate 1392-1395/1432-1435 MHz band for fixed and mobile services. A band manager licensing framework, similar to the 700 MHz guard band, will begin to satisfy the critical spectrum shortage for the land mobile community and provide optimum flexibility for new fixed and mobile services, while protecting incumbent operations.

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Date: March 4, 2002

## CERTIFICATE OF SERVICE

I, Jeremy Denton, do hereby certify that on the 4th day of March 2002, I forwarded to the parties listed below a copy of the foregoing Comments of the Industrial Telecommunications Association, Inc. via hand delivery:

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